

EXECUTIVE SECRETARIAT
ROUTING SLIP

ER

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI		X		
3	EXDIR		X		
4	D/ICS		X		
5	DDI		X		
6	DDA		X		
7	DDO		X		
8	DDS&T		X		
9	Chm/NIC				
10	GC		X		
11	IG				
12	Compt				
13	D/OLL		X		
14	D/PAO		X		
15	VC/NIC				
16	C/CCISCMS	X			
17	ES		X		
18	C/S		X		
19	D/OS		X		
20					
21					
22					
SUSPENSE		22 May 86 Date			

Remarks

TO #16: Please take lead in seeing the DCI is prepared for NSPG on Friday, 23 May. (Note: DCI has advance copy)

Executive Secretary

Date

21 May 86

3637 (10-81)

25X1

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NATIONAL SECURITY COUNCIL

CONFIDENTIAL

Executive Registry

862229x

May 21, 1986

TO: WILLIAM J. CASEY
FROM: KENNETH E. deGRAFFENREID

*VR.
Ken*

Per your request. We will clean this
up as an agenda for the Friday NSPG.

Attachment

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Declassify on: OADR

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B 604-112

PROPOSED POLICY ON REDUCING UNAUTHORIZED DISCLOSURES

- A disclosures policy to cover backgrounding and so-called authorized leaks. This would combine NSDD-19, NSDD-84, and a recent draft NSDD on "controlled executive disclosure." It would attempt to rationalize our classification procedures, our press backgrounding, and a process for recording contacts. The policy would include:

- o Restricting access of operational and policy personnel to news media, require pre-clearance by authorized agency official, as well as documentation of the meeting, including subject matter discussed. Consider having such meetings in presence of a public affairs officer of the agency.

- o Requiring the agency head or senior designee to approve backgrounding to a media representative. Any such backgrounding should be documented in the agency's files for future retrieval and coordination purposes.

- o Enforcement of the "third agency" rule on release of classified information.

- o Restriction of access of news media personnel to controlled location within agency spaces and providing escort when out of controlled area.

- Appropriate procedures for press spokesman through a process which involves them in setting and implementing the policy. Mandatory coordination with intelligence element of each agency prior to responding on intelligence-related questions.

- An investigative policy in which DOJ agrees to proceed with aggressive investigation (including probably a strike task force), even if that investigation does not lead to criminal prosecution (but rather administrative action). Our object is to deter leaks (have a "chilling" effect) - this is best done by identifying people quickly and firing them for cause. Pursue all avenues of investigation and prosecution, including, where required, polygraph, interview of media personnel and possible appearance before grand jury when a particularly egregious leak has occurred resulting in great damage to the national security or to the lives of American personnel. Do not lead with this aspect of the policy, but rather let it develop.

- An interagency group consisting of senior level policymakers who confer each morning (secure conference call) on the day's crop of leaks - deciding which really are leaks and which should be investigated and hopefully with a thought as to

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where the FBI might start looking. This group, chaired under your authority, would then refer the leak to a senior Justice official who authorizes an immediate investigation. (The Attorney General, of course, could still initiate them on his own, as could other Cabinet Officers.) The group would be supported by a small disclosures analysis staff at the IC Staff, who could do longer term analysis of leaks. The group would also designate individuals who could brief the FBI on the details of the leak.

- An aggressive FBI investigative unit poised to swing into action upon word from Justice. The FBI/Washington Field Office is prepared to implement this when directed.

- Education about leaks. Preparation and distribution of a "primer" on leaks to alert government employees to the various types of leaks and the various techniques used by reporters in gaining unauthorized information.

- A public relations plan for senior Administration officials to present our case and respond to likely media criticism.

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WASHFAX RECEIPT

THE WHITE HOUSE


Rec'd
 1840
 21 May
Carol


D 5211 00

86 MAY 21 P 6: 27

W. H. H. E.
SITUATION ROOM

MESSAGE NO. 764 CLASSIFICATION CONFIDENTIAL PAGES 2
 FROM RODNEY B. MCDANIEL 456-2224
 (NAME) (EXTENSION) (ROOM NUMBER)

MESSAGE DESCRIPTION PROPOSED POLICIES ON REDUCING UNAUTHORIZED DISCLOSURES
 NSC LOG#

<u>TO (AGENCY)</u>	<u>DELIVER TO:</u>	<u>DEPT/ROOM NO.</u>	<u>EXTENSION</u>
CIA		EXEC SECT	25X1
CIA			
STATE	KEN QUINN	S/S	
STATE	ABRAHAM SOFAER		
DOD	DAVE BROWN	EXEC SECT	
DOD	LAWRENCE GARRETT		

REMARKS

IMMEDIATE

FORM 3-68 160c

(13)

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May 21, 1986

TO: Abraham Sofaer
Department of State

Lawrence Garrett
Department of Defense

Stephen S. Trott
Department of Justice

Central Intelligence Agency

25X1

Oliver B. Revell
Federal Bureau of Investigation

FROM: KENNETH deGRAFFENREID *Kd*
SUBJ: Unauthorized Disclosures

Attachment FYI. There is an NSPG being scheduled for Friday, May 23, 1986, at 11:00 a.m. to discuss these policy proposals.

Attachment
a/s

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PROPOSED POLICIES ON REDUCING UNAUTHORIZED DISCLOSURES

- A disclosures policy to cover backgrounding and so-called "authorized" disclosures. Such a policy would combine elements of NSDD-19, NSDD-84, and a draft NSDD on "controlled executive disclosure." It would attempt to rationalize our declassification procedures, press backgrounding, and would include a requirement and process for recording contacts. The policy would include:

- o Restricting or controlling access of operational and policy personnel to news media, requiring pre-clearance by authorized agency official, as well as documentation of meetings, including subject matter discussed. Consider having such meetings in presence of a public affairs officer of the agency.

- o Requiring the agency head or senior designee to approve backgrounding to media representatives. All such backgrounding should be documented in the agency's files for future retrieval and coordination purposes.

- o Enforcement of the "third agency" rule on release of classified information to other agencies.

- o Restriction of access of news media personnel to controlled location within agency spaces and providing escort when out of controlled areas.

- Appropriate procedures for press spokesman through a process which involves them in setting and implementing policies related to backgrounding. Mandatory coordination with designated intelligence element of each agency prior to responding on intelligence-related questions.

- An investigative policy in which DOJ agrees to proceed with aggressive investigation (including probably a strike task force), even if that investigation does not lead to criminal prosecution (but rather administrative action). Our object is to deter leaks of classified information (have a "chilling" effect). In some cases, this is best done by identifying leakers quickly and firing them for cause. Pursue all avenues of investigation and prosecution, including, where required, polygraph, interview of media personnel and possible appearance before grand jury when a particularly egregious leak has occurred resulting in great damage to the national security or to the lives of American personnel. Do not lead with this aspect of the policy, but rather let it develop as required.

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- An interagency group consisting of senior level policymakers who confer each morning (via secure conference call) on the day's crop of leaks - deciding which really are leaks and which should be investigated and hopefully with a thought as to where the FBI might start looking. This group, chaired by the Assistant to the President for National Security Affairs, would then refer the leak to a senior Justice official who could authorize an immediate investigation. (The Attorney General, of course, could still initiate them on his own, as could other Cabinet Officers.) This group would be supported by a small disclosures analysis staff at the IC Staff (Unauthorized Disclosures Analysis Committee), who would provide support and do longer term analysis of leaks. The group would also designate individuals who could brief the FBI on the details of the leak.

- An aggressive FBI investigative unit poised to swing into action upon word from Justice. The FBI/Washington Field Office is prepared to implement this when directed.

- Education about leaks. Preparation and distribution of a "primer" on leaks to alert government employees to the various types of leaks and the various techniques used by reporters in gaining unauthorized information.

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